

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

KHALID AWAN,
ID 350959-956,

Plaintiff,

V.

WARDEN D. J. HARMON, et al.,

Defendants.

Civil Action No. 3:17-CV-0130-C

ORDER

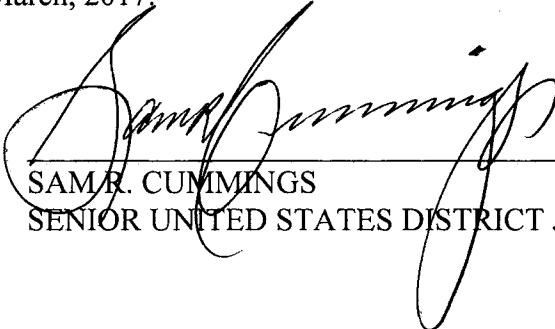
On this day, the Court considered Plaintiff Khalid Awan’s Application to Proceed in Forma Pauperis (IFP motion), filed January 12, 2017. The United States Magistrate Judge entered her Findings, Conclusions, and Recommendation on January 19, 2017, recommending that the IFP motion be denied and that Awan’s complaint be dismissed under the “three-strikes rule” of 28 U.S.C. § 1915(g) unless Awan timely pays the filing fee. Awan was given an extended period of time to file objections and timely filed his Petition in Opposition to Magistrate Judge’s Findings, Conclusions, and Recommendation (Objections) on March 6, 2017.

The United States Magistrate Judge reviewed Awan's complaint and IFP motion under 28 U.S.C. § 1915 and determined that Awan should not be given permission to proceed IFP, pursuant to § 1915(g), because he has had three or more prisoner civil actions dismissed as frivolous or for failure to state a claim and because he has not shown that he is presently in imminent danger of serious physical injury. Awan objects to the Magistrate Judge's finding that the dismissal of his prior actions count as strikes under 28 U.S.C. § 1915(g). Specifically, he

argues that the wording of § 1915(g) counts only cases dismissed as “frivolous, malicious, or [for failure] to state a claim upon which relief can be granted” as strikes for purposes of the three-strikes rule and argues that neither the dismissal of his first complaint as time-barred nor the dismissal of his appeal from that same decision can properly be counted as strikes against him. The Court has conducted a de novo review of the Magistrate Judge’s Findings, Conclusions, and Recommendation and is of the opinion that Awan’s objections should be **OVERRULED** because the law is well-settled that all three of Awan’s prior cases are properly considered strikes under § 1915(g).

It is therefore **ORDERED** that the Findings, Conclusions, and Recommendation are hereby **ADOPTED** as the findings and conclusions of the Court. For the reasons stated therein, Awan’s IFP motion is **DENIED** and Awan is **ORDERED** to pay the \$400.00 filing fee within fourteen (14) days from the date of this order. Failure to comply with this order will result in this case being dismissed. All relief not expressly granted by this Order is **DENIED**.

SO ORDERED this 22nd day of March, 2017.



SAM R. CUMMINGS
SENIOR UNITED STATES DISTRICT JUDGE